GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services Cooperation Department - Departmental Proceedings under Rule 9 of the Andhra Pradesh revised Pension Rules against Sri S.Sarath, Deputy Registrar (Retired) the then Divisional Cooperative Officer, Nellore - Article of Charges – Orders – Issued.

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AGRICULTURE & COOPAERATION (VIG.II) DEPARTMENT

G.O.RT.No. 96 Dated: 04-02-2020

G.O.Ms.No.36, Agri. & Coop. (VIG.II) dept., dt:04.02.2020

ORDER:

In pursuance of the sanction accorded by the Government in the reference read above, under Sub-clause (1) of clause (b) of Sub-Rule (2) of Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 for initiating departmental proceedings against Sri S. Sarath, Deputy Registrar (Retired) the then Divisional Cooperative Officer, Nellore.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I & II). A list of documents by which, and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure III & IV). Copies of the documents cited in Annexure-III are also communicated herewith to the Charged Officer. Other witness and documents will also be cited and examined if necessary in addition to the witnesses and documents already cited in Annexure III & IV.

3. Sri S. Sarath, Deputy Registrar (Retired), Nellore is directed to appear before the disciplinary authority within 10 days of the receipt of this charge memo and submit written statement of his defense and also to state whether he desired to be heard in person.

4. He is informed that an inquiry will be held only in respect of those article of charges as are not admitted. He should, therefore specifically admit or deny each article of charge.

5. Sri S. Sarath, Deputy Registrar (Retired), Nellore is further informed that, if he does not submit his written statement of defense on or before the date specified in para 3 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services(Classification, Control & Appeal) Rules 1991, or the orders / directions issued in pursuance of the said rules/ further action will be processed based on the material evidence.

6. Sri S. Sarath, Deputy Registrar (Retired), is informed that Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 stipulates that under no circumstances Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that the said Sri S. Sarath, Deputy Registrar (Retired) is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

P.T.O.

7. The receipt of this G.O, shall be acknowledged.

(BY THE ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Y MADHUSUDHANA REDDY
SPECIAL SECRETARY TO GOVERNMENT

To
Sri S. Sarath, Deputy Registrar (Retired) Nellore through the Commissioner for Cooperation & Registrar of Cooperative .Societies, AP. Guntur.

Copy to:

The Commissioner for Cooperation & Registrar of Cooperative Societies, A.P. Guntur with a request to serve the charge Memo to the charged Officer and obtain the dated acknowledgement from him.

Sf/sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER

[Annexure to G.O.Rt.No.96 , A&C(Vig.II) Dept., Dt: 04.02.2020]

ANNEXURE-I

Statement of articles of charges framed against Sri S. Sarath, Deputy Registrar (Retired), Nellore.

Article of charge – I

That Sri S. Sarath, Deputy Registrar (Retired), Nellore, while working as Divisional Cooperative Officer, Nellore was involved in irregularities, inaction and violation of procedural codes in the conduct of auction of properties of the defaulter Sri K. Dayakar Reddy, Ex-President of T.P.Gudur PACS during the year 2006-2007 which resulted in a loss to the assets of T.P. Gudur PACS, Nellore District.

Hence the charge.

Y MADHUSUDHANA REDDY
SPECIAL SECRETARY TO GOVERNMENT

ANNEXURE-II

Statement of imputations of misconduct or misbehavior in support of article of charges framed against Sri S. Sarath, Deputy Registrar (Retired), Nellore.

Basis of the Charge:

Sri. K.Srirama Murthy of SPSR Nellore District filed a complaint bearing No.2018/2013/B2 in the Hon'ble Upa Lokayuktha alleging that the Public Servant No.1 i.e., Sri. S.Sarath, Deputy Registrar was involved in irregularities, inaction and violation of procedure in the matter of auction of landed properties of defaulter Sri. K.Dayakar Reddy, Ex-President of T.P.Gudur PACS during the year 2006-07 which resulted in a loss to the T.P.Gudur PACS.

An enquiry U/s 51 of APCS Act 1964, was conducted into the affairs of T.P.Gudur PACS and surcharge orders were passed against Sri. K.Dayakara Reddy the then president of T.P.Gudur PACS for recovery of amount Rs.3,20,415/- along with interest and consequently E.P. was filed (68/2003-04) for recovery of said surcharge amount and it was entrusted to Sri. D.Rajeswara Rao, the then SDLCO, Nellore for execution.

The Hon'ble Upa-Lokayuktha made the following comments:

1. The Encumbrance Certificate was not obtained by Sri D.Rajeswara Rao, the then Sub-Divisional Coop. Officer, Nellore mainly relied on the report of the Village Panchayat Secretary.

2. Sri. D.Rajeswara Rao, did not conduct enquiry on the representation filed by Sri. S.Venktataramana Reddy, Advocate on 06-05-2006 before Sri. S.Sarath, the then DRCS, Nellore stating that the properties put up for auction not belong to the delinquent Sri. K.Dayakar Reddy.

As per the orders of Upa Lokayukta "As per set off order E.P. amount was Rs.3,20,415/- and the interest amount was Rs.6,00,468/- totaling amount of Rs.9,20,883/-, The property put to sale value shown is Rs.8,04,000/- and the

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balance amount is Rs.1,16,883/-. In this regard the DLCO, Nellore has submitted that as per set of proceedings in E.P.No.63/2003-2004 dt.26-08-2006 of the Sale Officer has collected a sum of Rs. 70,000/- on 09-05-2006 on a previous occasion of putting the property on sale and hence the date of auction fixed then was postpones. Further informed that the Public Servants 1 & 2 did not take any steps to collect the said balance amount of Rs. 1,16,884/- and also not issue any sale certificate for set off properties and also not taken any steps to deliver the possession of set off property to the decree holder society.

The DLCO, Nellore has further submitted that E.P. was entrusted to Sri S.Chinna Ankaiah, Asst.Registrar/Sub-DLCO, Nellore for execution on 20.11.2014 Sri. S.China Ankaiah, Sale Officer has issued special notices to the buyers of the property held by sri K.Dayakar Reddy, Judgment Debtor, who sold *away* the property. The society has collected for Rs.2,50,415/- towards principal on 23-12-2014 and Rs.1,50,000/- towards interest on 24-12-2014. Further an amount of Rs.2,00,000/- was recovered on 06-01-2015 towards interest As such a total amount of Rs.3,20,415/- was collected towards principal amount and Rs.3,50,000/- was collected towards interest.

Sri S.Sarath, DR the then DLCO, Nellore was held responsible for the procedural lapses in execution of E.P.

ANNEXURE-III

List of documents by which the Draft article of charge framed against Sri S.Sarath, Deputy Registrar (Retired) the then Divisional Cooperative Officer, Nellore are proposed to be sustained.

1. Memo.Rc.No.4293/2017/SG/DR, Dated:01.09.2019 of the Commissioner for Cooperation and Registrar of Cooperative Societies, A.P. Guntur.

2. Lr.Rc.No.676/2009/C, Dated:30.10.2017 of the Divisional Cooperative Officer, Nellore.

ANNEXURE-IV

List of witnesses by whom the Draft article of charge framed against Sri S.Sarath, Deputy Registrar (Retired), Nellore are proposed to be sustained.

Y MADHUSUDHANA REDDY
SPECIAL SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER